

REMARKS

This Amendment is fully responsive to the final Office Action dated August 5, 2008 and Advisory Action dated November 14, 2008. A request for continued examination (RCE) and a petition for a two-month extension of time accompany this Amendment. Claims 1, 3-15, 17-24, 27 and 28 are all the claims pending in the present application. With this Amendment, claims 1 and 15 have been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

At the outset, the Applicants request an Examiner Interview to discuss the distinguishable features between the present invention (as recited in independent claims 1 and 15, as amended), and the Jeacock reference. The Applicants' representative will contact the Examiner shortly after filing this Amendment in order to facilitate the scheduling of the Examiner Interview and to facilitate prosecution of the present application.

In the final Office Action dated August 5, 2008 (hereafter "Office Action"), claims 1, 3-5, 7-13, 15, 17-19, 21-24, 27 and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Clarkson (U.S. Publication No. 2003/0046305, hereafter "Clarkson") in view of Kraftson et al. (U.S. Patent No. 6,151,581, hereafter "Kraftson") in view of Jeacock et al. (U.S. Patent No. 6,014,630, hereafter "Jeacock"), and further in view of Tipirneni (U.S. Patent No. 6,381,029, hereafter "Tipirneni").

As indicated during the interview conducted on October 7, 2008, the Applicants asserted that the cited prior art fails to disclose or suggest all the features recited in independent claims 1 and 15. In particular, the cited prior art fails to disclose or suggest all the features of the claimed "generating means" of the present invention.

In the Office Action, although the Examiner relied on Clarkson in view of Kraftson in view of Jeacock, and further in view of Tipirneni for disclosing or suggesting all the features recited in independent claims 1 and 15, the Examiner relied exclusively on Jeacock for disclosing or suggesting all the features of the "generating means" of claims 1 and 15. Specifically, the Examiner relied on Jeacock at col. 1, lines 41-58; col. 2, lines 31-48; and col. 5, line 52 - col. 6, line 4).

However, as noted during the interview, Jeacock at col. 1, lines 41-58 and col. 2, lines 31-48 merely discloses the use of “default templates” that result from the user providing information to a database or computer relating to a patient, surgeon, procedure, facility or the like (i.e., by answering a series of questions presented). The result is a multi-page personalized patient document that is provided to the patient. The information that is provided to the patient is regarding, for example, systems used by a specific facility for the particular procedure to be undergone; specific techniques used by the doctor performing that procedure; and the like.

Thus, in Jeacock, the default templates are stored beforehand in a database that provides the requested information to a patient. However, as noted during the interview, the default templates disclosed in Jeacock already include questions, which are then answered in order to produce the multi-page personalized patient document.

Therefore, nowhere in Jeacock does it disclose or suggest the actual generation of the questions programs, as recited in the claims. In particular, Jeacock fails to disclose or suggest generating question programs, which includes inserting question sets received from a database apparatus into template question programs for providing medical doctor’s questions to patients. As further recited in independent claims 1 and 15, the medical doctor’s questions are then displayed and answered by the patient.

Moreover, it was also noted that Jeacock at col. 5, line 52 - col. 6, line 4 discloses that the default templates include considerable boilerplate information that is provided to the patients when the personalized patient document is printed out. Thus, this section of Jeacock also supports the Applicants’ contention that the templates are prepared in advance. In other words, there is no actual generation of the question programs by inserting question sets received from a database server apparatus into the template question programs, as recited in the claims 1 and 15.

In the Advisory Action dated November 14, 2008, the Examiner again relied on Jeacock for disclosing or suggesting all the features of the “generating means” of claims 1 and 15. However, in the Advisory Action, the Examiner relied on different sections of Jeacock (i.e., different sections than relied on in the Office Action) for disclosing or suggesting all the features of the “generating means.” In particular, in the Advisory Action, the Examiner relied on col. 3, line 59-col. 4, line 15; and col. 4, lines 26-37 of

Jeacock for disclosing or suggesting all the features of the claimed “generating means” (as recited in claims 1 and 15).

The Applicants again assert that Jeacock fails to disclose or suggest all the features and advantages of the “generating means” recited in claims 1 and 15. The Applicants have further amended claims 1 and 15 to help further point out these features and advantages. As amended, claim 1 recites the following features:

“[a] communication system for providing information of a medical doctor's questions to patients, said communication system comprising a medical doctor terminal apparatus, a patient terminal apparatus, and a database server apparatus for storing question sets for the medical doctor's questions to patients, said medical doctor terminal apparatus, said patient terminal apparatus and said database server apparatus are connected to each other through a communication network,

wherein said patient terminal apparatus comprises:

first interface means for establishing a network connection and data communication between the database server apparatus and said patient terminal apparatus via the communication network;

first receiving means for receiving at least one question set from said database server apparatus, each question set being dependent on a particular patient among a plurality of patients;

template storing means for storing template question programs which correspond to predetermined answer forms and are not dependent on a particular patient;

generating means for generating, upon receiving the question sets from said database server apparatus, question programs which are dependent on a particular patient among a plurality of patients using a patient-independent template program so that patient-dependent question programs are not transmitted through the communication network, by inserting the question sets received from said database server apparatus into the template question programs, thereby retaining security of the questions to patients, the question programs being used for providing medical doctor's questions to patients;

displaying means for displaying questions for the medical doctor's

questions to patients by executing the question programs generated by said generating means;

entering means for entering answer data to the displayed questions; and
transmitting means for transmitting the entered answer data to said database server apparatus, and storing the transmitted answer data in said database server apparatus; and

second interface means for terminating the network connection and data communication between the database server apparatus and said patient terminal apparatus;

wherein said medical doctor terminal apparatus comprises second receiving means for receiving the answer data stored in said database server apparatus by accessing said database server apparatus, and displaying the received answer data, and

wherein the patient dependent question programs are not transmitted through the communication network.” (Emphasis added).

The features emphasized above in claim 1 are similarly recited in independent claims 15 (as amended). Additionally, the features emphasized above are fully supported by the Applicants’ disclosure (see e.g., Figs. 16-19; and ¶[0008], ¶[0154]-¶[0164], and ¶[0203] of U.S. Publication).

The “generating means” of the present invention (as recited in claims 1 and 15) is clearly distinguishable over the cited prior art in that upon receiving the question sets from the database server apparatus, the received questions sets are inserted into the template question programs to generate the question programs. Therefore, security for the questions presented to patients can be retained. No such feature or advantages are provided by Jeacock.

As noted above, the Examiner (in the Advisory Action) relies on col. 3, line 59-col. 4, line 15; and col. 4, lines 26-37 of Jeacock for disclosing or suggesting all the features of the claimed “generating means” (as recited in claims 1 and 15). However, Jeacock (i.e., col. 3, line 59-col. 4, line 15; and col. 4, lines 26-37) is different from the present invention in that questions to be answered are pre-programmed. Since the questions to be answered are pre-programmed, the user can be assured that when he/she

has completed the task, all the necessary matters have been covered (see e.g., col. 4, lines 8-11). Thus, in Jeacock, the questions are pre-programmed so if the pre-programmed questions are transmitted through communication lines, the security for the questions to patients can not be retained.

Conversely, in the present invention (as recited in independent claims 1 and 15), upon receiving the question sets from the database server apparatus, the received questions sets are inserted into the template question programs to generate the question programs. Therefore, security for the questions presented to patients can be retained.

At least for the reasons noted above, no combination of Clarkson, Kraftson, Jeacock, and Tipirneni would result in, or otherwise render obvious, independent claims 1 and 15 (as amended). Likewise, no combination of Clarkson, Kraftson, Jeacock, and Tipirneni would result in, or otherwise render obvious, claims 3-5, 7-13, 17-19, 21-24, 27 and 28 by virtue of their respective dependencies from independent claims 1 and 15.

In the Office Action, claims 6, 14 and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clarkson, Kraftson, Jeacock, Tipirneni, and further in view of Bair et al. (U.S. Patent No. 6,108,665, hereafter “Bair”). However, claims 6 and 14 depend from independent claim 1; and claim 20 depends from independent claim 15. As noted above, Clarkson, Kraftson, Jeacock and Tipirneni fail to disclose or suggest (individually or in combination) all the features recited in independent claims 1 and 15.

Additionally, Bair fails to overcome the deficiencies noted above in Clarkson, Kraftson, Jeacock and Tipirneni. Accordingly, no combination of Clarkson, Kraftson, Jeacock, Tipirneni and Bair would result in, or otherwise render obvious, the features noted above in claims 6, 14 and 20 by virtue of their respective dependencies from independent claims 1 and 15.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the Office Action dated August 5, 2008 and the Advisory Action dated November 14, 2008, and pass the present application to issue.

The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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